

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:07MJ02101 AGF
)	
MICHAEL ANTHONY JONES,)	
)	
Defendant.)	

**ORDER FINDING PROBABLE CAUSE
AND ORDERING PRETRIAL DETENTION**

On July 2, 2007, Defendant was charged in a one count criminal complaint with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). The government moved for pretrial detention and counsel was appointed to represent Defendant.

On July 5, 2007, the Court held a preliminary examination hearing and a hearing on the government's motion for pretrial detention. Defendant appeared and was represented by Assistant Federal Public Defender Michael Dwyer. The government was represented by Assistant United States Attorney Cristian Stevens. The government presented the testimony of Special Agent Michael Ramos, employed with the Bureau of Alcohol Tobacco Firearms and Explosives. Based upon the evidence adduced at the preliminary examination, the Court finds probable cause to believe that the offense charged in the complaint was committed by Defendant, and the Defendant will be held to answer the charges.

With regard to the issue of pretrial detention, neither party had any objections to the Pretrial Services Report (“PSR”) dated July 4, 2007, which the Court adopts and incorporates herein. Defendant did offer, by way of proffer, that Defendant has now posted bond on the warrant referenced in paragraph 4 on page 5. Defendant Jones further proffered to the Court that his brother was willing to post his home, in which he has approximately \$50,000 in equity, and an additional \$10,000 as security for a bond. Notwithstanding the collateral offered, however, the Court finds that there is no condition or combination of conditions that will adequately assure Defendant’s appearance and the safety of the community.

In addition to the offense for which the Court has found probable cause, the government also presented strong evidence that Defendant possessed more than 6 grams of methamphetamine at the time of his arrest, for which the government intends to seek charges. Defendant is unemployed, has little significant employment history, and no financial ties to the community. Defendant has a very substantial criminal history, including multiple convictions for burglary, narcotics and unlawful use of a weapon. Defendant also has a history of committing offenses while he is on bond for prior offenses or on probation, and allegedly committed the instant offense while on probation. Defendant also has a history of abuse of heroin and marijuana, has previously been arrested for failure to appear, and is now facing very serious charges, which could increase his incentive to flee.

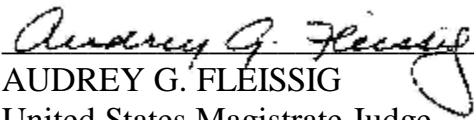
For the above reasons, and for the reasons set forth in the PSR, the Court finds by a

preponderance of the evidence and by clear and convincing evidence, respectively, that there is no condition or combination of conditions that will adequately assure the appearance of Defendant and the safety of the community. 18 U.S.C. § 3142(e) and (f).

THEREFORE, IT IS HEREBY ORDERED that Defendant be held to answer any timely filed indictment, and this case is passed to **Friday, July 27, 2007, at 3:00 p.m.**, for a conference on the status of the prosecution before the undersigned United States Magistrate Judge.

IT IS FURTHER ORDERED that Defendant, Michael Jones, be detained pending trial.

IT IS FURTHER ORDERED that Defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; that Defendant be afforded reasonable opportunity for consultation with counsel; and that, on order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.


AUDREY G. FLEISSIG
United States Magistrate Judge

Dated this 6th day of July, 2007.